

**NOTICE OF A MODIFICATION TO A DEVELOPMENT CONSENT  
UNDER SECTION 96(2)  
OF THE  
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

Under Section 96(2) of the *Environmental Planning and Assessment Act 1979*, I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), modify the development consent referred to in Schedule 1, as set out in Schedule 2.

Diane Beamer MP  
**Minister Assisting the  
Minister for Infrastructure & Planning  
(Planning Administration)**

Sydney,

2003

File No: S03/03083

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**SCHEDULE 1**

The development consent (DA No. 164/98) granted by the then Minister for Urban Affairs and Planning for the Baal Bone Colliery on 19 August 1999.

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**SCHEDULE 2**

1. Delete Condition 1(a) and insert before Condition 1(b):
  - (a) Consent is granted for the transport of coal by public road up to and including 31 December 2015 in accordance with the Statement of Environment Effects submitted to the Department dated October 2003, entitled: "*Extension of the Duration of Coal Haulage by Road from Baal Bone Colliery*".
  
2. Delete Condition 1(d)(iii) and insert before Condition 1(d)(iv)
  - (iii) Submit to the Director-General and Lithgow City Council, a report with recommendations, in consultation with Delta Electricity, every three years from 31 December 2003, which fully evaluates the technical and commercial viability of constructing and operating alternative dedicated road and rail haulage routes to deliver coal to the Mt Piper and Wallerawang Power Stations. The Applicant shall provide any reasonable additional information relevant to these reports, as requested by the Director-General in consultation with Lithgow City Council; and

3. Amend Condition 2 by deleting “after 31 December 2000” and replace with:

“after 31 December 2015”

4. Amend Condition 13 by deleting “Department of Urban Affairs and Planning” and replace with:

“Department of Infrastructure, Planning and Natural Resources”

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